

REMARKS

Claims 1-29 and 31 are pending in the subject application. By this Amendment, applicants have amended claim 1 to more particularly point out and distinctly claim applicants' invention. Applicant maintains that no new matter is introduced by this amendment. Accordingly, applicants respectfully request that the Examiner enter and consider this Amendment.

Rejection Under 35 U.S.C. § 102(b)

Claims 1-6, 8-22, 24, 25, 28, 29, and 31 have been rejected under 35 U.S.C. § 102(b) as anticipated by Spivey et al., U.S. Patent No. 5,712,890 ("Spivey"). The Examiner alleged that each and every element of these claims is disclosed in Spivey.

In response, applicants respectfully traverse the Examiner's ground of rejection.

Applicants' method as now claimed provides, in relevant part, the step of "scanning continuously across said object with a beam". This step is not disclosed in Spivey. Applicants' invention uses a beam to *continuously* scan across an object, e.g. the breast, which results in the continuous production of data on the sensor during the scan. In other words, there are no interruptions in the exposure between the starting point and the endpoint of the scan.

In contrast, the invention disclosed in Spivey uses an intermittent step-wise "scanning" (exposures by a stationary beam). As the Examiner points out, column 13 of Spivey discusses the movement of the X-ray source, aperture and two digital detector assemblies. However, Spivey discloses that these "move relative to the clamped breast 49 to *sequentially image sixteen individual sections*" (Emphasis added). This does not disclose the continuous scanning by the beam across the object as claimed herein.

In addition, Spivey does not disclose any adjustment of the distance between the sensor and the radiation source during scanning movement of the beam. The Examiner refers to lines 13-17 in column 13 of Spivey as stating that the detector assemblies move along a plane. Spivey's exact disclosure at column 13, line 13-17 says that the front surfaces of the scintillator assemblies

(which are in the two digital detector assemblies 54) move along a plane while the front surfaces of the scintillator assemblies tilt. This section of Spivey's disclosure refers to Figures 10 and 11 which, when further considered in view of the following paragraph of column 13, Figs 10 and 11 and what is disclosed elsewhere in the publication, cannot be understood in any other way but Spivey teaching that the distance from the radiation source 40 to the detector assemblies is always kept the same (their displacement clearly has followed an arch the center of which being the focus of the radiation source), regardless of location of the detectors. Thus, Applicants further maintain that the Spivey embodiment shown in Figs 10 and 11 does not include any adjusting of the distance of at least one sensor from the radiation source nor any adjustment or movement at all (of anything) while the X-ray source is energized, as currently claimed.

In view of the amendments to the claims made herein and the arguments presented above, applicants maintain that Spivey does not disclose each and every element as now recited in claim 1. Applicants therefore submit that Spivey does not anticipate claim 1 as amended or any of the claims dependent therefrom and that the Examiner's rejection has been overcome and should be withdrawn.

Allowable Subject Matter

The Examiner objected to claims 7, 23, 26, and 27 as being dependent from a rejected claim but otherwise allowable if re-written in independent form. Applicants thank the Examiner for pointing out allowable subject matter but respectfully traverse this ground of objection in view of the remarks above. Applicants maintain that as discussed above claim 1 from which these claims depend is not anticipated by Spivey and should therefore be found allowable. Accordingly, claims 7, 23, 26, and 27 in their dependent form should also be deemed allowable.

Should the claims herein be allowable but for a minor matter that could be the subject of an Examiner's Amendment or a supplemental submission, applicants would appreciate the Examiner contacting applicants' undersigned attorney.

Reconsideration and allowance of all the claims herein are respectfully requested.

Respectfully submitted,



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